IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No. 70706-M of 2006

DATE OF DECISION: MARCH 8, 2007

Dr.Sumita Singh and another

...PETITIONERS

VERSUS

M/s. Radical Health Technologies

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.Rakesh Bhatia, Advocate,
for the petitioners.

...

The petitioners apprehending their arrest in a non-bailable offence in complaint case No.169 of 2005 titled "M/s. Radical Health Technologies Versus M/s. Sigma Diagnostics Ltd.", pending in the court of JMIC, Amritsar under Section 138 of the Negotiable Instruments Act, have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

As per office report, the respondent has been served through its counsel. In spite of that, no one is present on behalf of the respondent.

Counsel for the petitioners contends that against the petitioners, the aforesaid complaint has been filed at Amritsar. He further contends that both the petitioners were not properly served in the aforesaid complaint and they have been illegally declared proclaimed offenders. Counsel also contends that anticipatory bail application filed by the petitioners before Additional Sessions Judge, Amritsar has been dismissed on 9.11.2006 on the ground that they are proclaimed offenders. Counsel contends that against the petitioners, the complainant has filed three complaints and in two other similar cases, their arrest has been stayed subject to the condition that they will appear before the trial court and furnish their regular bail bonds.

Counsel for the petitioners contends that in terms of the interim order dated November 14, 2006, both the petitioners had appeared before the trial court and furnished their regular bail bonds which have been

accepted by JMIC, Amritsar on 29.11.2006. Counsel has placed on record the certified copy of the said order. In the said order, it has also been mentioned that the attorney of the petitioners along with their counsel was also present at that time.

In view of the above facts, without commenting on the merits of the case, the interim order dated November 14, 2006 is made absolute.

Disposed of accordingly.

March 8, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE